

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEFFREY HART, et al.,

Plaintiffs,

-against-

THE COMMUNITY SCHOOL BOARD OF
BROOKLYN, NEW YORK SCHOOL DISTRICT #21, et
al.

**DECLARATION OF
MARGARET LACEY
BERMAN**

72 CV 1041 (JBW)

Defendants.

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MARGARET LACEY BERMAN declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following statements are true and correct:

1. I am a Special Service Manager for Empowerment at the Department of Education (“DOE”). From 2003-2006, I worked as a School-based Service Administrator for the Region 7 office of Student Placement, Youth and Family Services (“SPYFSS”). As School-based Service Administrator, I was responsible for placement of students who applied to gifted and talented programs in District 21, including Mark Twain Intermediate School, for the 2004-2005, 2005-2006, and 2006-2007 school years. Before 2003, I worked for eight years as Assistant Principal of Guidance at Fort Hamilton High School in Bay Ridge, and was a New York City public school teacher at the beginning of my career.

2. I make this Declaration in support of the motion by defendants to terminate the remedial order in this case. This Declaration is based on my personal knowledge of the placement process for the 2004-2005, 2005-2006, and 2006-2007 school years, my review of documents within the possession of DOE, and my conversations with other DOE employees.

3. As School-based Service Administrator, I participated in the placement process for all middle school gifted and talented programs (“GT Programs”) in District 21. For the years in question, GT programs existed at District 21’s six intermediate schools—Mark Twain (IS239), Bay Academy (IS98), Seth Low (IS96), Eisenberg (IS303), Cavallaro (IS281), and Boody (IS228)—and the Brooklyn Studio Secondary School (IS690), with grades 6-12.

4. Responsibility for admissions for the GT Programs in District 21 was transferred from the Community School District to the Regional office of SPYFSS in 2004. This reflected a system-wide change in the structure of New York City’s school administration. The Regions were established as administrative units on July 1, 2003. Region 7 encompassed community school districts 20, 21, and 31.

5. The GT Programs accept students based on an application and testing criteria. As was done previously when placement decisions were made by District 21 officials, the District 21 Magnet Office at Mark Twain was responsible for evaluating eligibility, collecting applications, and administering and scoring tests and auditions for all GT Programs in the district. Students from any community school district were permitted to apply to the District 21 GT Programs.

6. In 2004, I and others from the Region met with individuals who had been involved in the admissions program in the past to discuss the GT Program. It was our goal to maintain a process consistent with previous years. We examined data for Mark Twain and determined that students were being admitted at a ratio of approximately 60% Majority and 40% Minority.

7. “Majority” and “Minority” were defined according to federal designations. The designation “Majority” meant Caucasian. The designation “Minority” meant any other group.

8. We received a database of all student test scores from administrators at Mark Twain. We began the placement process with Mark Twain, because most applicants listed Mark Twain as their first choice. We worked talent by talent, filling each talent in Mark Twain according to the 60/40 ratio. After filling all seats in all talents at Mark Twain, we moved on to Bay Academy and then to each of the other GT Programs, using the same method.

9. I understood the order to apply to all District 21 GT Programs; we had one testing program and we applied the placement ratio to all GT programs in the District. However, the number of applicants at programs other than Mark Twain did not always allow us to strictly maintain the ratio. Rather than leave empty magnet seats at the other programs, we placed all students who applied.


MARGARET LACEY BERMAN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEFFREY HART, et al.,

Plaintiffs,

-against-

**DECLARATION OF PAUL
HELFMAN**

THE COMMUNITY SCHOOL BOARD OF
BROOKLYN, NEW YORK SCHOOL DISTRICT #21, et
al.

72 CV 1041 (JBW)

Defendants.

----- X

PAUL HELFMAN declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following statements are true and correct:

1. I am the Director of Enrollment for Districts 20, 21 and 31 at the New York City Department of Education (“DOE”). I oversee student enrollment for K-12, which includes making sure that students know to which schools they are zoned, reviewing transfer requests, and overseeing choice processes such as those in effect for Mark Twain Intermediate School (IS329) (“Mark Twain”) and District 21. I started in this position in July 2006, and my title at the time was Regional Enrollment Director for Region 7. Region 7 at the time consisted of Districts 20, 21 and 31. As of June 30, 2007, the regional structure was eliminated. My title then changed to Director of Enrollment for Districts 20, 21 and 31. I have been in various administrative positions with the DOE since 2003. Prior to that time, I taught social studies at John Jay High School.

2. I make this Declaration in support of the motion by the defendants to terminate the remedial order in this case. This Declaration is based on my personal knowledge of the

placement process for the 2007-2008 school year, my review of documents within the possession of DOE, and my conversations with other DOE employees.

3. The middle schools in District 21 have a choice process for Gifted and Talented Programs. District 21 has six intermediate schools: Mark Twain (IS239), Bay Academy (IS98), Seth Low (IS96), Eisenberg (IS303), Cavallaro (IS281), and Boody (IS228). District 21 also has the Brooklyn Studio Secondary School (IS690), with grades 6-12. Each has a Gifted and Talented Program. As Regional Enrollment Director, I was responsible for the placement of students who applied to Mark Twain and other Gifted and Talented programs in District 21 for the 2007-2008 school year.

4. For the 2007-2008 school year, Mark Twain and Bay Academy were all-application Gifted and Talented schools. At the other middle schools, the Gifted and Talented Program only makes up part of the total student population.

5. All the Gifted and Talented programs in the District, including Mark Twain, are filled through the same application, testing and placement process. The application and testing was handled at Mark Twain. The placement process for the 2007-2008 school year was handled by my office, the Office of Student Enrollment, Planning and Operations ("OSEPO").

6. Before beginning the placement process, I spoke with several past administrators about how placements were handled. I was told by the regional administrators who had previously handled admissions that the currently applicable ratio is 60% White and 40% Minority. It was also my understanding that the Mark Twain application and testing model, including the ratio, was to be utilized for the other Gifted and Talented programs in the District. This allowed for a single, efficient application and admissions process. It was my understanding that the 60/40 ratio had been applied in prior years.

7. I began the selection process by filling seats by score order by talent, honoring applicants' first choice of school. I worked in several rounds, filling 10-15 seats in each talent in each round. Using this method, I was able to place students at their highest priority school based on whichever of their two talent scores earned that spot. Before filling the final seats in any particular GT program, I would review the ethnic make-up of the program, and then decide if it were necessary to take race into account to meet the ratio. Depending on the talents and scores, making a selection for the last few seats might result in jumping over one or more students with a higher score to achieve the ratio.

8. Seats at Mark Twain and Bay Academy were filled first because they were named as first and second choices by most students.

9. 2627 students applied for District 21 Gifted and Talented Programs in 2007. 1758 listed Mark Twain as their first choice school and approximately 463 students were offered seats in Mark Twain for the 2007-2008 school year. Offers were made to 60% White students, and 40% Minority students.

10. Most often, the impact of the racial ratio was placement of a student in his or her second- or third- choice program. Students were not generally denied a Gifted and Talented seat based on the need to meet the ratio, unless they only listed one school choice on their application.

11. For 2007-2008 placement in District 21 Gifted and Talented programs, all applicants could apply to all of District 21's programs, ranking their preferences in order.


PAUL HELFMAN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEFFREY HART, et al.,

Plaintiffs,

-against-

THE COMMUNITY SCHOOL BOARD OF
BROOKLYN, NEW YORK SCHOOL DISTRICT #21, et
al.

**DECLARATION OF CAROL
MOORE**
72 CV 1041 (JBW)

Defendants.
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CAROL MOORE declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following statements are true and correct:

1. I am the principal of Mark Twain Intermediate School for the Gifted and Talented, I.S. 239 ("Mark Twain"), located at 2401 Neptune Avenue in Brooklyn, New York. I have been the principal of Mark Twain since July 2003. Before that, I was an assistant principal at the school from September 1993 through July 2003. Prior to that, I was an elementary school teacher in several District 21 schools. My current responsibilities as principal include ensuring the safety and education of our students and the effective administration of our school, as well as implementing policies and procedures that facilitate attainment of our educational goals. I am fully familiar with the facts described below.

2. Mark Twain provides an integrated, racially mixed, and challenging academic environment that allows students of diverse backgrounds and academic levels to learn, study, and perform together, as a result of this court's order. Classes at the school are organized in "clusters," which consist of four classes with an assigned team of teachers. These clusters allow

small and large group as well as interdisciplinary instruction, as they can be grouped in different combinations, depending on instructional purpose. They facilitate thematic and interdisciplinary learning and diverse groupings of students.

3. The academic requirements at Mark Twain are rigorous. Every student is required to study four interdisciplinary subjects and a foreign language while pursuing a sixth major in their talent area. Eleven talent areas are offered: arts, athletics, computer/mathematics, creative writing, dance, science, vocal, theater, visual media, and instrumental music in winds and strings. These talent areas deeply engage the students and motivate them to succeed both in the talent areas and their other academic subjects.

4. In addition to the core curriculum, Mark Twain offers many enriching academic and extracurricular programs, such as accelerated programs in math, science, and foreign language, a Specialized High School exam preparatory course, and an at-risk program for reluctant learners. Mark Twain augments these academic programs with a wide selection of extracurricular artistic and athletic clubs, including a math team, a school newspaper, a yearbook staff, a computer squad, a chess club, and a cooking class, among others.

5. Students at Mark Twain achieve a record of accomplishment and success. Last year, in 2006-07, more than 90 percent of our students achieved proficiency on both the State English Language Arts and Mathematics exams. A large number of our seniors took the Math A and Earth Science Regents Exams, achieving overwhelming success: 100% passed both exams, and the average grade was 97% on the Math A Regents and 90% on the Earth Science Regents. The Second Language Proficiency Exam bore equally impressive results: 100% of students passed the exam and, in each of the three languages, the average grade earned was 90% or higher. Mark Twain students also met with success gaining acceptance to the Specialized High Schools. Last

year, out of a graduating class of 393 students, 98 were admitted to Stuyvesant High School, 93 were admitted to Brooklyn Technical High School, and 62 were admitted to LaGuardia High School.

6. The admissions process at Mark Twain is highly competitive. The incoming class is selected from a city-wide applicant pool by The New York City Department of Education. Approximately 2000 applicants choose Mark Twain as their first choice in the middle school application process. The incoming class ranges between 400-450 students. Applicants are admitted to the school in accordance with The New York City Department of Education testing and selection requirements and must meet minimum standards of academic competency and demonstrate ability in one of the eleven talent areas studied in-depth at the school. In order to apply, students must have achieved a minimum of Level 2 on their math and reading scores, in accordance with DOE requirements. Once this minimum has been satisfied, students are evaluated according to the talent for which they apply and their current school grades and attendance, in accordance with The New York City Department of Education requirements. Most students, who are offered admission, accept it. The application and testing process had been handled at Mark Twain's building pursuant to the old District 21 Administration, until its administration was assumed by the New York City Department of Education in approximately 2003, when administration of the process was assumed by the New York City Department of Education Region 7, with the application and testing process remaining in Mark Twain's building under the direction of Region 7, and the placement process done directly by Region 7. For 2007, the testing process continues to be administered at Mark Twain for District 21, in accordance with the policies and directives of the New York City Department of Education Office of Student

Enrollment Planning and Operations ("OSEPO"). The placement process will be done directly by OSEPO.

7. I am proud to be the principal of Mark Twain, which has become, following entry and continuing implementation of this Court's order, one of the premier middle schools in the city. I believe that the mandates of this court's order and the continuing dedication of the teachers and administrators at this school as well as the in-depth study in talent areas combine to motivate our students to achieve their full potential in both academic and non-academic subjects and enable them to create a harmonious integrated, diverse and vibrant school community.

DATED: Brooklyn, New York
February 12, 2008


CAROL MOORE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEFFREY HART, et al.,

Plaintiffs,

-against-

**DECLARATION OF SANDY
FERGUSON**

THE COMMUNITY SCHOOL BOARD OF
BROOKLYN, NEW YORK SCHOOL DISTRICT #21, et
al.

72 CV 1041 (JBW)

Defendants.

----- X

SANDY FERGUSON declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following statements are true and correct:

1. I am the Executive Director for Middle School Enrollment in the Office of Student Enrollment for the New York City Department of Education ("DOE"). My responsibilities include planning and implementation of enrollment, policy and procedure for middle schools in New York City.

2. I have held my present position since approximately May 2007. Since 1990, I have served with the DOE as a local instructional superintendent, a school principal, an assistant principal and a teacher. This declaration is based on my personal knowledge of the admissions process, my review of documents within the possession of DOE, and my conversations with other DOE employees.

3. Prior to 2003, middle schools were within the jurisdiction of elected Community School Boards in each of the 32 Community School Districts in the New York City School District. The Community School Board and the Superintendent were responsible for zoning

and enrollment of children in middle schools in the district, and zoning changes had to be approved by the Office of Zoning and Integration of the Board of Education.

4. Pursuant to changes in state law enacted in 2002 and 2003, Community School Boards were abolished effective June 30, 2003. The Chancellor now appoints Community Superintendents. Each Community School District now has a Community District Education Council ("CEC"), which is authorized to give final approval for changes in zoning, as submitted by the superintendent, consistent with the regulations of the Chancellor.

5. In 2003, the City's schools were organized into ten instructional "regions," each headed by a "regional superintendent." District 21 became part of Region 7, which also included Districts 31 and 20. Each region had an office of Student Placement, Youth and Family Support Services ("SPYFSS"), responsible for attendance, drug abuse prevention, homeless family services, suspensions, gifted and talented programs and middle school admissions. The Region 7 SPYFSS office handled placement for Mark Twain and District 21 gifted and talented programs for school years 2004-2005, 2005-2006, and 2006-2007.

6. In 2007, the regional organization was eliminated. Responsibility for placement and middle school gifted and talented programs, and middle school choice, was transferred from SPYFSS to the Office of Student Enrollment, formerly known as the Office of Student Enrollment Planning and Operations ("OSEPO"), which has been responsible for high school enrollment since 2003. OSEPO handled placement for District 21 magnet and choice programs, including Mark Twain, for the 2007-2008 school year, and will continue to do so for the current year and, as currently envisioned, in the future.

7. District 21 refers to its middle school choice programs as "magnet" programs, by which it means the gifted and talented programs, including Mark Twain. The application and

testing process for District 21 gifted and talented programs, including Mark Twain, are already underway for the school year 2008-2009. Applications were due back to the District 21 Magnet Office located at Mark Twain on February 6, 2008. Auditions for District 21 gifted and talented programs will begin in March, 2008. My office must have the testing and audition results by the end of March. In order to have sufficient time to complete the placement process, we would need to know by the end of March how the placement process for the coming year is going to be done. We must notify parents of admissions decisions in May.

8. If the Court order were lifted, the DOE would implement a selection process for the District 21 gifted and talented programs, including Mark Twain, that was similar to last year's process, but without reference to race or ethnicity, or a race-based selection ratio such as the 60% White, 40% Non-White ratio. Mark Twain, as the strongest and most competitive gifted and talented program, should have a citywide applicant pool, to draw from the widest possible applicant base. Bay Academy and the other District gifted and talented programs would accept applications citywide but would have a District preference.

9. The DOE maintains a database of enrollment and student biographical information, including student ethnicity. The DOE releases an audited annual report of the data as of October 31, called the "10/31 Register", which is publicly available from 1999-2006 at the DOE Office of Statistical Summaries website:
<http://schools.nyc.gov/Offices/Stats/Register/RegByEthnGndrJForm>. The 2007-2008 10/31 Register has not yet been posted on the website.

10. Tables reflecting this data are attached hereto as Exhibit 1 to Exhibit 3. These charts accurately reflect DOE's data for Mark Twain and District 21 middle schools and middle school grades from the 1999-2000 school year to the 2007-2008 school year.

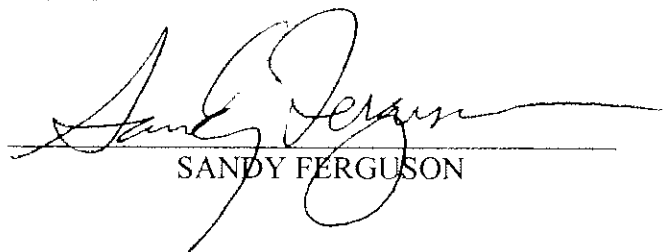
11. Exhibit 1, "Mark Twain Enrollment" details the racial composition (percent White and Non-White) of Mark Twain JHS between 1975 and 2007. Exhibit 2, "District 21 Middle Schools Percent White" details the White percentage of each middle school in District 21 between 1975 and 2007. Exhibit 3, "District 21 K-8 Schools Grades 6-8 Percent White" depicts the White percentage of grades 6-8, of each K-8 school in District 21 between 1999 and 2007; this data is only recounted where grade-specific information was available. Data on these charts between 1999 and 2007 reflect the information on the DOE enrollment database. Data on these charts pre-dating 1999 was gathered from documents attached to the Declaration of Gail Rubin.

12. DOE enrollment data as reflected in the 10/31 Registers shows that between 1999 and 2007, Mark Twain's incoming class ranged from between 400 and 455 students.

13. Attached as Exhibit 4 and 5 are the current elementary and middle school zoning maps for District 21. These maps were obtained from the DOE database of student addresses and zones.

14. Attached as Exhibit 6 and 7 are maps of the current locations of the elementary schools and middle schools in District 21.

15. Fifth graders who attend PS 288, a K-8 school in the Coney Island area, may remain in PS 288 for grades 6-8, or may attend their zoned middle school, or may apply to Mark Twain and any other gifted and talented program in the District.


SANDY FERGUSON

FERGUSON EXHIBIT 1

Year	Mark Twain (239)			District 21 Average		Dif. District	Dif. 60/40	Dif. 70/30
	%White	%Non-white	Total Enrollment	%White	%Non-white	%White	%White	%White
1975	70.3%	29.7%		69.1%	30.9%	1.2%	10.3%	0.3%
1976								
1977	69.1%	30.9%	1104				9.1%	-0.9%
1978								
1979	68.1%	31.9%		63.7%	36.3%	4.4%	8.1%	-1.9%
1980	68.5%	31.5%		62.7%	37.3%	5.8%	8.5%	-1.5%
1981	68.2%	31.8%		60.8%	39.2%	7.4%	8.2%	-1.8%
1982	70.2%	29.8%		60.7%	39.3%	9.5%	10.2%	0.2%
1983	71.1%	28.9%		59.2%	40.8%	11.9%	11.1%	1.1%
1984								
1985								
1986								
1987								
1988								
1989	57.0%	43.0%	1107	54.0%	46.0%	3.0%	-3.0%	-13.0%
1990								
1991								
1992	57.7%	42.3%	1185	47.9%	52.1%	9.8%	-2.3%	-12.3%
1993	61.5%	38.5%	1317	49.7%	50.3%	11.8%	1.5%	-8.5%
1994								
1995								
1996								
1997								
1998								
1999	54.9%	45.1%	1209	52.1%	47.9%	2.8%	-5.1%	-15.1%
2000	54.2%	45.8%	1205	50.2%	49.8%	4.0%	-5.8%	-15.8%
2001	54.3%	45.7%	1223	47.9%	52.1%	6.4%	-5.7%	-15.7%
2002	54.3%	45.7%	1249	45.9%	54.1%	8.4%	-5.7%	-15.7%
2003	54.1%	45.9%	1258	43.5%	56.5%	10.6%	-5.9%	-15.9%
2004	53.6%	46.4%	1223	42.1%	57.9%	11.5%	-6.4%	-16.4%
2005	55.1%	44.9%	1186	41.9%	58.1%	13.2%	-4.9%	-14.9%
2006	56.6%	43.4%	1213	41.1%	58.9%	15.5%	-3.4%	-13.4%
2007	58.7%	41.3%	1219	40.7%	59.3%	18.0%	-1.3%	-11.3%

*1975, 1979-83: Rubin Decl., Exhibit J

*1977: Rubin Decl., Exhibit G (Bravin letter)

*1989: Rubin Decl., Exhibit L (Register, 12/89)

*1992: Rubin Decl., Exhibit M (School District Profile, 10/92)

*1993: Rubin Decl., Exhibit N (School District Profile, 10/93)

*1999-2006: New York City Department of Education, Statistical Summaries, Annual Audited 10/31 Register, available at <http://schools.nyc.gov/Offices/Stats/Register/RegByEthnGndrJForm/>

*2007-2008: New York City Department of Education

**District 21* average prior to 1999 includes only middle schools;
post 1999, figure includes grades 6-8 in K-8 schools. See Ferguson Decl.

FERGUSON EXHIBIT 2

Year	Bay (98)	Boody (228)	Brooklyn St. (690)	Cavallaro (281)	Eisenberg (303)	Low (96)	Reynolds (43)	District 21 Ave.
1975		76.2%		73.1%	55.9%	70.9%	65.0%	69.1%
1976								
1977		69.2%		66.2%	62.2%	71.2%	65.7%	
1978								
1979		66.9%		61.4%	58.9%	69.1%	56.5%	63.7%
1980		62.9%		62.3%	57.5%	71.4%	52.0%	62.7%
1981		64.2%		58.7%	55.0%	66.0%	51.9%	60.8%
1982		64.4%		56.1%	53.2%	68.0%	50.0%	60.7%
1983		62.0%		53.3%	54.1%	67.4%	43.9%	59.2%
1984								
1985								
1986								
1987								
1988								
1989		56.0%		56.0%	53.0%	55.0%	43.0%	54.0%
1990								
1991								
1992		47.0%		41.5%	40.1%	53.8%	41.5%	47.9%
1993		47.0%		46.8%	40.6%	54.6%	43.2%	49.7%
1994								
1995								
1996								
1997								
1998								
1999	65.2%	53.0%	58.6%	50.0%	49.4%	51.9%	58.4%	52.1%
2000	63.2%	50.0%	48.5%	48.3%	47.3%	48.2%	58.1%	50.2%
2001	60.5%	45.7%	52.3%	43.3%	46.5%	46.1%	60.0%	47.9%
2002	58.3%	45.9%	48.8%	40.0%	42.6%	41.9%		45.9%
2003	57.9%	42.4%	52.7%	37.4%	42.5%	35.6%		43.5%
2004	57.1%	38.2%	42.9%	36.9%	42.8%	32.2%		42.1%
2005	55.9%	35.1%	54.5%	37.5%	43.9%	30.1%		41.9%
2006	55.4%	31.0%	52.6%	38.5%	45.1%	30.8%		41.1%
2007	57.9%	29.3%	48.2%	31.4%	41.7%	30.9%		40.7%

*1975, 1979-83: Rubin Decl., Exhibit J

*1977: Rubin Decl., Exhibit G (Bravin letter)

*1989: Rubin Decl., Exhibit L (Register, 12/89)

*1992: Rubin Decl., Exhibit M (School District Profile, 10/92)

*1993: Rubin Decl., Exhibit N (School District Profile, 10/93)

*1999-2006: New York City Department of Education, Statistical Summaries, Annual Audited 10/31 Register, available at <http://schools.nyc.gov/Offices/Stats/Register/RegByEthnGndrJForm/>

*2007-2008: New York City Department of Education

***District 21* average prior to 1999 includes only middle schools because historical data from K-8 schools is limited; post 1999, figure includes grades 6-8 in K-8 schools.

***Seth Low (I.S. 96) maintains a small 9th grade honors SP program which is not included in this calculation

****Brooklyn Studio includes I.S. 280 until 2003

FERGUSON EXHIBIT 3

District 21 K-8 Schools Grades 6-8 Percent White (1999-2007)

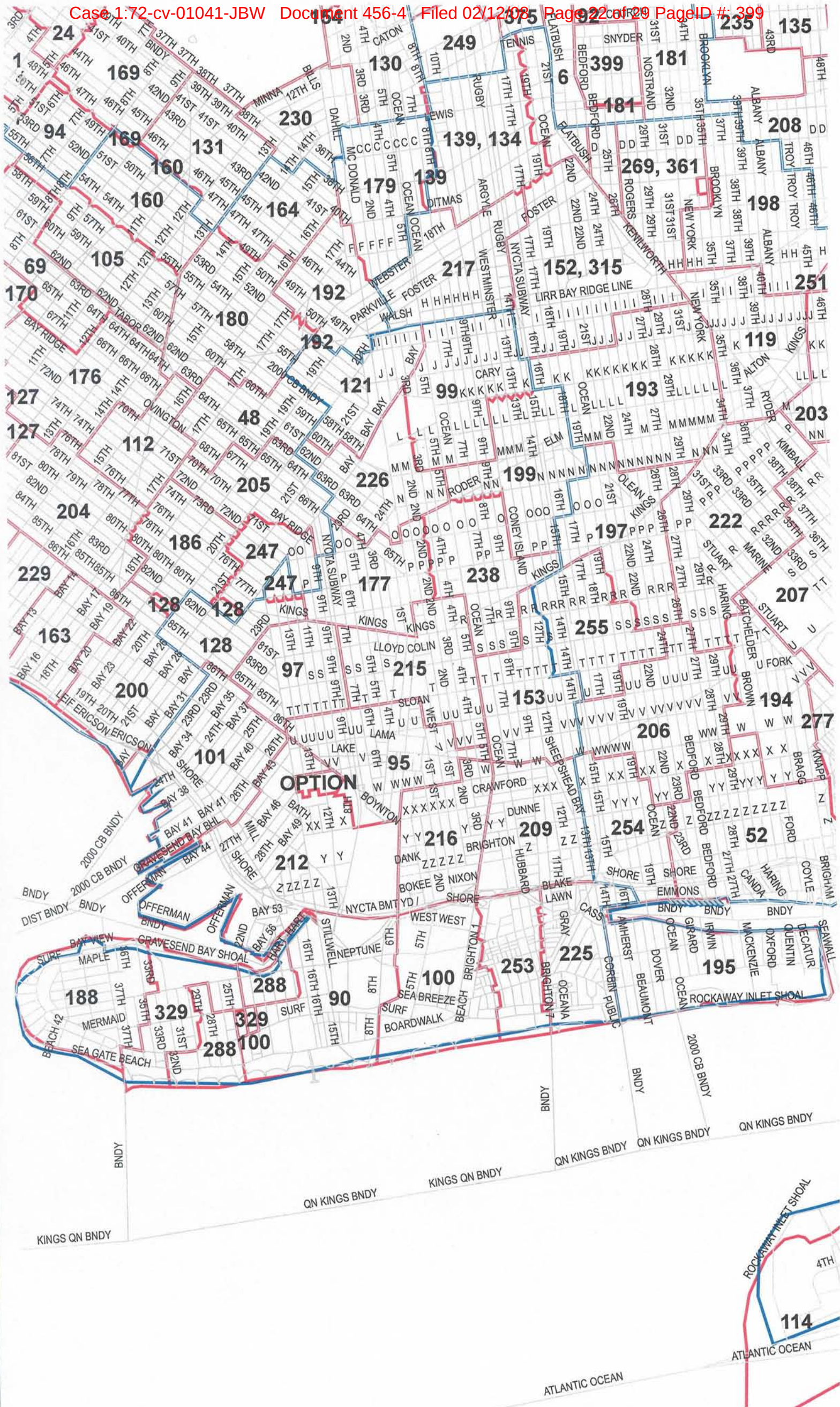
Year	Gravesend(95)	Asimov (99)	Rockefeller (121)	Wachtel (199)	Mead (209)	Zaglin (225)	Mason (226)	Sullivan (238)	Tanyhill (288)	District 21 Ave	K-8 Average
1999	42.9%	38.3%	56.9%	42.1%	53.7%		59.1%	41.6%	4.2%	52.1%	42.7%
2000	36.8%	36.4%	56.7%	54.2%	52.1%		56.6%	37.3%	3.0%	50.2%	40.2%
2001	33.6%	35.7%	46.3%	48.3%	46.3%		50.5%	35.6%	2.2%	47.9%	37.4%
2002	32.7%	29.2%	50.0%	55.0%	46.0%	55.8%	54.8%	36.1%	4.2%	45.9%	39.8%
2003	32.9%	27.2%	43.3%	36.7%	43.5%	48.0%	51.3%	35.1%	2.2%	43.5%	36.4%
2004	31.4%	26.4%	45.2%	53.1%	44.6%	51.2%	55.5%	30.7%	1.1%	42.1%	36.9%
2005	28.0%	25.5%	40.6%	36.7%	42.1%	51.2%	53.4%	31.3%	4.4%	41.9%	36.2%
2006	24.4%	24.1%	38.4%	34.8%	37.9%	49.1%	54.1%	30.0%	3.6%	41.1%	34.9%
2007	25.6%	18.0%	42.3%		39.8%	47.2%	49.1%	29.8%	3.7%	40.7%	33.6%

*1999-2006: New York City Department of Education, Statistical Summaries, Annual Audited 10/31 Register, available at <http://schools.nyc.gov/Offices/Stats/Register/RegByEthnGrndJrForm/>

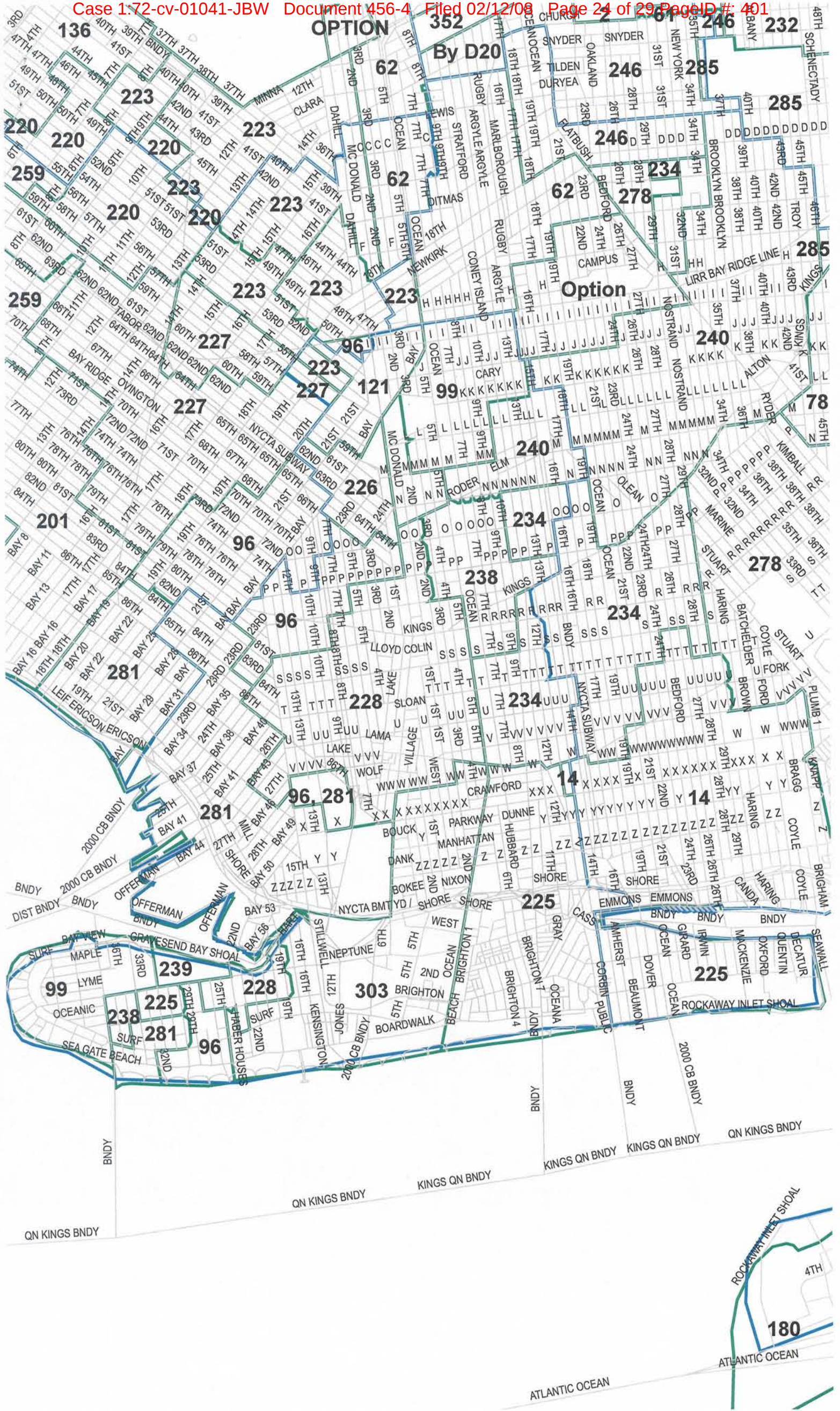
**2007-2008: New York City Department of Education

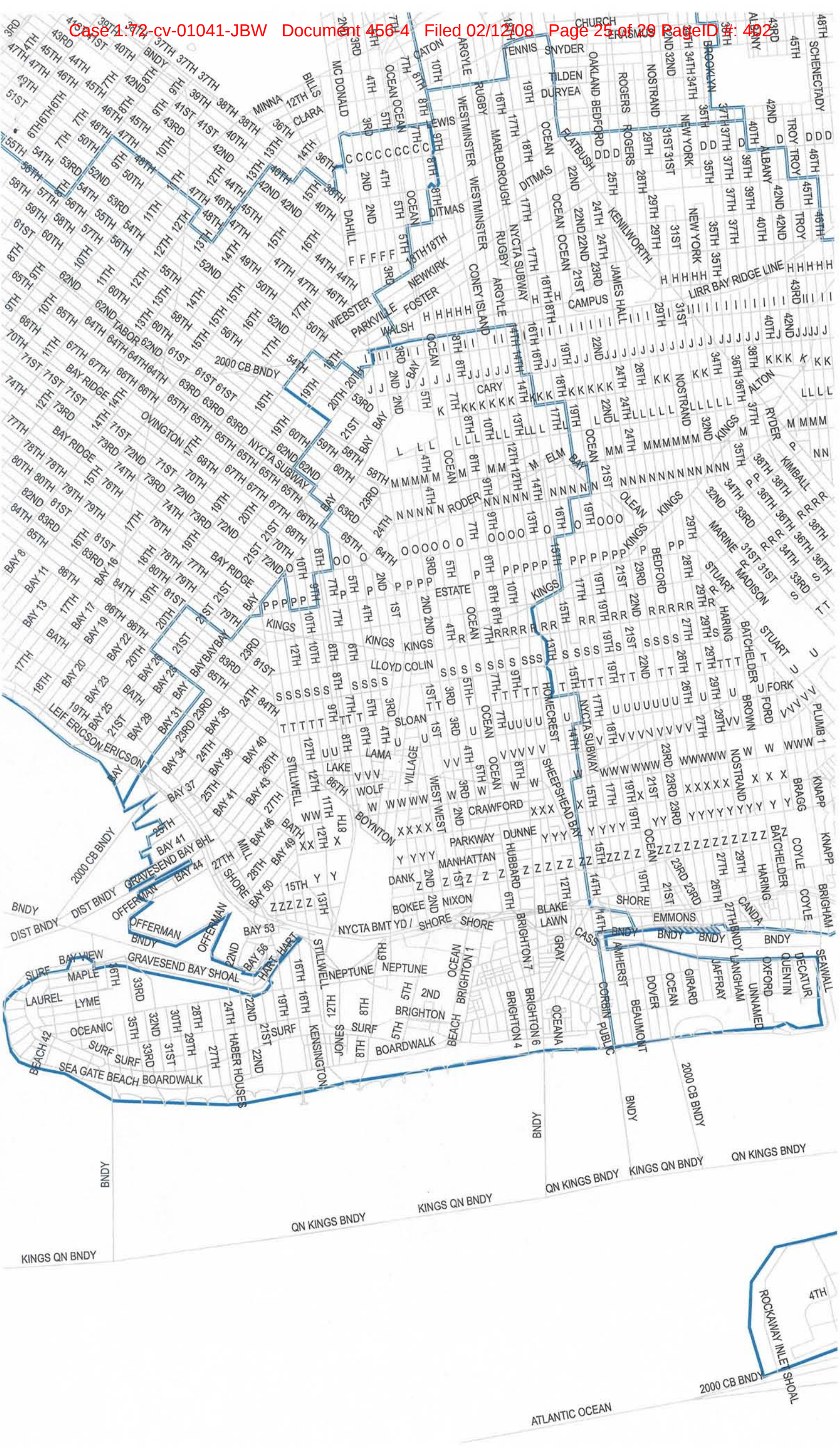
**Wachtel (P.S. 199) has only a sixth grade which was eliminated in 2007

FERGUSON EXHIBIT 4



FERGUSON EXHIBIT 5





FERGUSON EXHIBIT 6

FERGUSON EXHIBIT 7

